

TOWN OF WILTON

22 TRAVER ROAD

WILTON, NEW YORK

PHONE: 518-587-1939

FAX: 518-587-2837

Susan Baldwin, Town Clerk

sbaldwin@townofwilton.com

REGULAR TOWN BOARD MEETING-March 2, 2017

Supervisor Johnson called the Regular Town Board meeting to order at 7:00 p.m.

Pledge of Allegiance

Supervisor Johnson led the board and the audience in reciting the Pledge of Allegiance to the Flag.

Roll Call

Roll Call by the Town Clerk showed all board members present.

Arthur Johnson-Supervisor

Steve Streicher-Deputy Supervisor

Joanne Klepetar-Councilwoman

John Lant-Councilman

John McEachron-Councilman

Also present was Mark Schachner, Town Counsel, Director of Planning and Engineering, Ryan Riper, P. E. and Jeff Reale, Comptroller.

Approve Pending Minutes

On a motion introduced by Councilwoman Klepetar, the board adopted the following resolution:

RESOLUTION #82

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the February 2, 2017 meeting, as typed.

The adoption of the resolution was seconded by Councilman McEachron, duly put to a vote, all in favor. The motion passed 5-0.

Public Comment Session

Kirclin Woodcock, Highway Superintendent said he attended the Historical Society meeting. They will be celebrating their 50th anniversary. They are looking for help from the town board to help and promote the celebration.

Supervisor Johnson said the town will support the Historical Society in their celebration.

Nancy Dwyer said she spent the day in Albany lobbying for the Empire State Trail, which is a 750 mile trail system connecting Buffalo to Albany and New York City to the Vermont border. Governor Cuomo has allotted fifty three million dollars in the state budget for phase 1 and a two million dollar total allotment over a three year term to make the trail system complete. The Saratoga Greenbelt recognized Ryan Riper and Joanne Klepetar today. There is a lot going on in our state with multi-use trails. All kinds of townships have multiuse trails. It is increasing economic growth. It is bringing money and businesses into the area with people on foot and on bike. These are pathways and trails that are not on roads. They are specifically designed and used without vehicles, walking, biking and cross country skiing. The Saratoga Greenbelt is very organized. They have a couple sections of trails that are not complete. They have a set of professionals they are working with to design the trail system. They are trying to hook in with Wilton at Exit 15 and on Daniels Road. It's great to see this proposal and hopes for support from our board, as well as our community, in whatever it needs. It is very important to keep up with the times. We have a lot of people in our community that are on our roads. They are walking and biking and it creates community. They need to be safe. **Ms. Dwyer** said she used to ride her bike from here into town to work as a teenager. She said she won't let her kids do that now. It's too dangerous to ride those very same roads. We have a lot of clustered developments in town. Within those developments, people walk all of the time. We don't connect neighborhood to neighborhood quite as easily as in town. We don't have run on and we really don't want run on. We like our green space. Connecting these little pockets of green spaces is something we need to be conscious of. It is happening all around us. The Empire State Trail is coming up our way. Some of our trails, the Palmertown Range, are trying to connect into Saratoga through prison lands we just acquired through Moreau State Park. This Empire State Trail will take us up to the Canadian Border. It is really important and hopes the town, as community members, supports this. **Ms. Dwyer** said she has information regarding the trail since a lot of people may not know about it. There are maps showing the Empire State Trail and the Regional and National trails that also go along the Great Lakes and along the Canadian Border.

Supervisor Johnson said there will be a trail update later in the meeting outlining the town's commitment to trails.

Cancer Presumptive Bill

Supervisor Johnson said the following bill was brought to his attention by Bill Morgan, Wilton Volunteer Fire Department. The fire department has requested the town's support for this bill.

Memorializing Resolution: Town of Wilton

This Memorializing Resolution compelling the New York State Senate, New York State Assembly and the Governor to pass the Cancer Presumptive Bill that would extend the already existing Volunteer Firefighters' Benefit Law to cover all instances of melanoma, as well as cancers of the digestive, hematological, lymphatic, urinary, prostate, neurological, breast and reproductive systems.

Senate Bill: S-1411 Assembly Bill; A 711

On a motion introduced by Councilman Lant, the board adopted the following resolution:

RESOLUTION #83

WHEREAS, it is firmly established in the occupational medicine literature that firefighters are exposed to many known and suspected carcinogens every time they respond to a fire scene. Numerous studies have measured levels of chemical carcinogens at structural and vehicles fires- and from the personal protective clothing of firefighters-at concentrations that are considered hazardous and well in excess of permissible workplace levels. These carcinogens include polycyclic aromatic hydrocarbons (PAHs) in soot and tars; benzene; formaldehyde; 1, 4-butadiene; arsenic; polychlorinated biphenyls (PCBs); dioxins; asbestos; and diesel engine exhaust.

WHEREAS, the uncontrolled environment conditions that occur during the knockdown and overhaul phases at fire scenes guarantee that firefighters are routinely exposed to these toxic chemicals. So it's not surprising that studies of cancer in career firefighters find significant associations between firefighting and certain forms of cancer. The evidence is strongest for increased risk of brain, digestive tract (colorectal, stomach), genitourinary tract (bladder, kidney, testicles, prostate), lympho-hematopoietic (leukemia, Non-Hodgkin's lymphoma, multiple myeloma), skin (melanoma) and lung cancers among volunteer firefighters. The current presumptive cancer bills covering career firefighters were built on the results of these studies. Why don't we have the same coverage for our volunteers?

WHEREAS, there are 110,000 reasons why our volunteer firefighters should have presumptive cancer coverage. Presumptive cancer legislation is the top legislative agenda for New York's volunteer

firefighters and the volunteer fire service of the Town of Wilton. The Town of Wilton urges our county and state legislators to support this bill. Volunteer firefighters did not volunteer to get cancer!

The adoption of the resolution was seconded by Councilman McEachron, duly put to a vote, all in favor. The motion passed 5-0.

Trail Update

Larry Gordon, Trails Coordinator, said in April of 2007, the Town Board completed and approved an Open Space, Trail and Recreation Plan. That was supported by SEQR at that time. We have taken one particular trail from Camp Saratoga to Gavin Park. We received a county grant last year and we divided the trail from Scout Camp down to the county forest and Bullard Lane to Gavin Park. We broke it down in sections because each section has a different amount of work that has to be done. Most of the existing Scout Camp trails have always been there. They were there 30 years ago. There hasn't been anything new there except when the state took it over, they eliminated a number of trails, which still exist but are unmarked. We have to make a connection from those trails, on existing unmarked trails, over to Edie Road, down to the County Plantation, down to Bullard Lane, all the way through to the former Worrell parcel the town acquired last year. From there we have an area on the Greene property and the Belmonte property. During the planning process for the development of those properties, we will have trails through them. Once we get to Jones Road, it is a little more complicated. Fortunately the town highway super and the town engineer implemented a shoulder widening program. There are fragmented pieces down Jones Road with the exception of the Interstate 87 overpass. The bridge has not come up for repair or replacement yet but when it does, there will be a bike path or trail across it, similar to the one in Malta. From there on, it's right into Gavin Park. The overpass is not on the TIP (Transportation Improvement Program) but it will come. Fortunately enough there is four feet on the bridge and people do walk it. We use BOCES to do some of the clearing and construction.

Mr. Gordon said all of the existing trails are being reviewed. There are a couple of items that have come up. Route 50 from the mall to South Glens Falls is a state trail. The same is true for Route 9. They were marked years ago but have not been improved. The Moreau Lake trail system started 30 years ago. He said it was discussed years ago when he was on the State Prison Board. There are a lot of things happening in the town. As the opportunities arise, we take advantage of them.

Supervisor Johnson said Mr. Gordon has been instrumental in bringing the trails down from Camp Saratoga to Bullard Lane using BOCES. We appreciate everything that has been done. There will be a proposal coming in during the development of a few pieces of property off Jones Road. **Deputy Supervisor** said the trail system was a big part of the Comprehensive Plan Update. We talked a lot about interconnectivity of trails in new subdivisions. **Mr. Gordon** said plan shows a shoulder widening on Scout Road. When it was a Boy Scout camp, the Boy Scout Council deeded an extra wide easement for the shoulder to be put in. **Nancy Dwyer** asked what still is needed to be completed, is there funding for those and where does the funding come from. **Mr. Gordon** said the funding comes from the town board. There is a county trails program with Saratoga County. This year it was not funded because of the low number of applicants, except for the planning application put in by the Town of Wilton. There is a possibility of getting some money if it is put back in the budget. Most of the trails don't take a lot of money to put in. If you get in any type of hard surface, that's where it gets expensive. Last year there

was a federal program, it's not funded right now, but it would pay for a sidewalk from Jodi Lane to Loriann Drive. It will come up again in a few years. **Supervisor Johnson** said there are traffic mitigation fees and part of the monies can be allocated for off road trail improvement. When the new subdivisions come in, the planning board will be looking for the developers to do a lot of the network. **Mr. Gordon** said he saw a trail coming up on the other side of the river from Rensselaer to Washington County. There is an existing trail that is owned by the Village of Schuylerville. **Ms. Dwyer** said it could be a small group effort. A lot of the Empire State Trail is from this effort. That is why there are some missing pieces. The trail is designed to connect all of the individual pieces. **Mr. Gordon** said he purchased the D & H Railroad line for the county in 1965 from Ballston Spa to Mechanicville. It is now called the Zim Smith Trail. **Supervisor Johnson** said the county will most likely be completing the Zim Smith trail in 2018.

Ann Diller said she used to hike on the Loudon Trail until she ran into a couple of men with a bow and arrows and guns. They were target practicing. She said she spoke to Matt Veitch and he said hunters can use the property. She said she has not hiked there since. **Ms. Diller** asked if the new trails will allow hunting. **Supervisor Johnson** said the new trails will definitely not allow hunting. The state land adjacent to the county land has had instances of firearms. The state allows it. It is a mix of people using the land. The homeowners have complained that it is like a firing range sometimes. DEC has been involved as well as the county.

Councilwoman Klepetar asked what the next step in advancing some of the trails. **Mr. Gordon** said there is a trail from the fire tower area over to Edie Road. It is an unmarked state trail. In order for the public to use it, it needs to be approved for marking. There is conversation between the town supervisor and the regional director at Ray Brook to see if we can get the trail opened. Ray Brook said it will be opened when the state completes the Unit Management Plan for the wildlife area. There was a meeting about the Unit Management Plan and it was almost eight years ago.

Camp Saratoga Delegan Pond Fishing Program

On a motion introduced by Deputy Supervisor Streicher, the board adopted the following resolution:

RESOLUTION #84

Camp Saratoga Delegan Pond, Scout Pond, Fishing Program

The Town of Wilton Town Board, owners of property known as Camp Saratoga will stock Scout Pond for resident fishing.

1. The stocking program is for the **Town of Wilton residents only.**
2. April 1st to July 1st, will be reserved for fishing by Town of Wilton resident **youths age 16 or under**, and may be assisted by an immediate adult family member.
3. The remainder of the trout fishing season will be open to Town residents to October

15th, the last day of trout season, for all persons over the age of 16 with a required, valid, New York State Fishing License.

4. Fishing limit is 2 per day.
5. Adults after July 1st (catch and release is recommended).
6. **No** live bait is permitted (worms and lures permitted).

The adoption of the resolution was seconded by Councilwoman Klepetar, duly put to a vote, all in favor. The motion passed 5-0.

THIS RESOLUTION WAS APPROVED BY THE TOWN OF WILTON TOWN BOARD March 3, 2017

Speed Limit Reduction Request

Supervisor Johnson said the town received a request from Ray O’Conor, representing the Rolling Greens subdivision, for a speed limit reduction on Edie Road. Currently, the road is unmarked in that section therefore the speed limit is 55 mph. They are requesting the speed limit be reduced to 45 mph. We will make the request to the county and the county will make the request to the state. We do not control our speed limits.

On a motion introduced by Councilman McEachron, the board adopted the following resolution:

RESOLUTION #85

NOW, THEREFORE, BE IT RESOLVED, to request a speed limit reduction from Saratoga County for Edie Road between Ballard Road and Route 50.

The adoption of the resolution was seconded by Deputy Supervisor Streicher, duly put to a vote, all in favor. The motion passed 5-0.

Councilman Lant said the speed limits can be set by cities but towns cannot. The Town of Malta has requested speed limit control legislation from Assemblywoman Carrie Woerner and Senator Kathy Marchione. We should join them. There are a lot of roads in the town that should have reduced speed limits. **Councilman McEachron** said no one knows our town better than us. **Supervisor Johnson** said the legislation has come up before but it’s worth trying.

On a motion introduced by Councilman Lant, the board adopted the following resolution:

RESOLUTION #86

NOW, THEREFORE, BE IT RESOLVED, to submit a request to Assemblywoman Woerner and Senator Marchione for legislation allowing towns to regulate their speed limits.

The adoption of the resolution was seconded by Councilwoman Klepetar, duly put to a vote, all in favor. The motion passed 5-0.

Saratoga Heritage II PUDD Amendment-Pool House

Brett Steenburgh appeared before the board representing the applicant, Farone Home Builders and their request for an amendment to their approved PUD, Saratoga Heritage II. **Mr. Steenburgh** said there was an area (indicating) slated for a clubhouse and a swimming pool. The applicant would like to amend the PUD and the site plan to eliminate the clubhouse and construct a 10' X 40" pool house with bathrooms and storage for the chemicals, adjacent to the proposed pool. There is a prepared site plan showing landscaping, fencing, concrete walks and patios around the proposed pool. The reason for the modification is because Saratoga Heritage I already has a clubhouse. The recently approved Everglades project, immediately adjacent to Saratoga Heritage II, has several areas slated for commercial development. One of the commercial areas will be an exercise facility and utilized for the Everglades project. Since there are only 50 apartments we feel the space would be more appropriately used as a facility for both the Everglades and Saratoga Heritage II.

Supervisor Johnson said the process would be to refer the amendment to the town and county planning boards for recommendation.

Councilwoman Klepetar asked if there is a fitness center there now. **Mr. Steenburgh** said there is one in Saratoga Heritage I that can be used by the residents in Saratoga Heritage II. Once the Everglades project is complete they will be able to use those as well. **Councilwoman Klepetar** asked if the facilities will be comparable to what was proposed. **Mr. Steenburgh** said it will be the same size or a little larger.

Councilwoman Klepetar asked if the current residents were told there was going to be a fitness center. **Mr. Steenburgh** said he did not know the answer and would have to defer the question to the attorneys and the people involved in the sales. This is under a homeowner's association and there would be a lot of documentation that would need to be filed to go back to the homeowner's association. **Councilwoman Klepetar** said the apron of the pool is handicap accessible, is the pool also? **Mr. Steenburgh** said the pool is required to be handicap accessible under New York State law as well as the bathrooms.

Supervisor Johnson said the only part missing would be the exercise room. The residents can use the one in Saratoga Heritage I or the Everglades.

On a motion introduced by Deputy Supervisor Streicher, the board adopted the following resolution:

RESOLUTION #87

NOW, THEREFORE, BE IT RESOLVED, to refer the amendment of Saratoga Heritage II PUDD to the town and county planning boards.

FURTHER BE IT RESOLVED, to set the public hearing for April 6, 2017 at 7:00 p.m.

The adoption of the resolution was seconded by Councilman McEachron, duly put to a vote, all in favor. The motion passed 5-0.

Committee Reports

Councilman Lant said there have been quite a few meetings with MJ Engineering and the committee for the new court building. There was a meeting yesterday with department heads and there will be another next week.

Supervisor Johnson said he met with the Bicentennial Committee Chair, Sue Lant, and it is moving forward. We have also spoken with former Supervisor Roy McDonald and Tim Welsh. They will be producing a video. The committee is doing a great job and they have 5 signature events planned for 2018.

Councilman Lant asked about the Gailor Road dead end. **Mr. Ripper** said the light has been installed. The highway superintendent put up "Under Video Surveillance" signs.

Councilman Lant said there was a power outage today. Thanks to our building department, the traffic lights were up and running. There are a couple of lights that still do not have generators and we need to have all of the lights with generators. He said the generators should be run every month and tested and serviced yearly. **Mr. Ripper** said he has reached out to the owners of the light at Old Gick Road and Lowes Drive and has received no reply. It's a large corporation and it's difficult to get permission.

Councilwoman Klepetar said the membership at the Senior Center is up to 70 from 45 people. Things are going well.

Deputy Supervisor Streicher said Summer Camp registration begins on Monday, March 6, 2017. It is first come, first served. It is on the website and on the sign.

Supervisor Johnson said Sue Peterson sent a thank you card for the plaque she received.

Dear Art, My thanks to you and the board for the plaque. It was so difficult to leave the Planning Board but my current circumstances dictated my decision. Serving the town was a pleasure not only on the Planning Board but the Zoning Board, Ethics Committee and the 1st Century Commission. Thanks again for recognition of my service. It was much appreciated. Sincerely, Sue.

Comptroller's Report

1.) 2017 Budget Transfers and Budget Amendments

On a motion introduced by Councilwoman Klepetar, the board adopted the following resolution:

RESOLUTION #88

NOW, THEREFORE, BE IT RESOLVED, to approve the 2017 budget amendments requested for and listed in the Comptroller's 3/2/2017 Report (attached) to the Town Board.

The adoption of the resolution was seconded by Councilman McEachron duly put to a vote, all in favor. The motion passed 5-0.

2.) Comp Time Policy Amendment

Mr. Reale said he is requesting to modify the Comp Time Policy we have. Our time and attendance software does not allow us to accrue, when an employee earns less than one hour of comp time. From time to time we have people earn 15 minutes of comp time. The suggestion is if a person earns less than one hour of comp time in a pay period they should use it within that pay period. Software will not allow us to accrue it. Time has to be greater than one hour. **Supervisor Johnson** said the employee will still get the time but they have to use it in that pay period. **Mr. Reale** said the department head has to be aware of the employee earning the time.

On a motion introduced by Councilwoman Klepetar, the board adopted the following resolution:

RESOLUTION #89

NOW, THEREFORE, BE IT RESOLVED, to amend the Comp Time Policy for comp time earned (less than one hour) due to restrictions in the time and attendance software.

The adoption of the resolution was seconded by Councilman Lant duly put to a vote, all in favor. The motion passed 5-0.

3.) Wilton Emergency Squad-Penflex Service Award Program

On a motion introduced by Councilman Lant, the board adopted the following resolution:

RESOLUTION #90

NOW, THEREFORE, BE IT RESOLVED, to approve the 2016 PENFLEX Service Award Program points listing of all volunteer ambulance workers at the Wilton Emergency Squad.

The adoption of the resolution was seconded by Councilman McEachron, duly put to a vote, all in favor. The motion passed 5-0.

4.) Personnel

On a motion introduced by Councilman Lant the board adopted the following resolution:

RESOLUTION #91

NOW, THEREFORE, BE IT RESOLVED, to approve overnight for Sue Baldwin to attend the Association of Town Clerk's Conference in Rochester, New York, April 23-26, 2017.

The adoption of the resolution was seconded by Councilman McEachron duly put to a vote, all in favor. The motion passed 5-0.

2016 Sales Tax, Mortgage Tax and Fine Revenue Update

Mr. Reale said the town budgeted \$5,529,000 for sales tax and we took in \$5,552,000. For mortgage tax, we budget \$600,000 and took in \$604,000. For court fines, we budgeted \$220,000 and we took in \$241,000 but we are still waiting for the last month to come in. We will probably be close to \$40,000 over.

Executive Session

Supervisor Johnson said there will be an Executive Session.

Councilman McEachron made a motion to adjourn at 7:50 p.m. for Executive Session to discuss the performance of a particular employee and also assessment litigation. The motion was seconded by **Councilwoman Klepetar** with all board members in favor. The motion carried 5-0.

Deputy Supervisor Streicher made a motion to reconvene at 8:17 p.m. The motion was seconded by **Councilman McEachron** with all board members in favor.

On a motion introduced by Deputy Supervisor Streicher the board adopted the following resolution:

RESOLUTION #92

WHEREAS, Wal-Mart Store, Inc. and the Town of Wilton are desirous of having certain assessment issues resolved as to the property owned by Wal-Mart Stores, Inc. in the Town of Wilton, and

WHEREAS, a settlement proposal resolving pending tax certiorari litigation was recommended by Daniel G. Vincelette, trial counsel to the Town of Wilton, and reviewed by the Wilton Town Board at its regular monthly meeting, and

WHEREAS, such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties, and

WHEREAS, the Town Board has determined that the proposed settlement is in the best interests of the Town; now

THEREFORE BE IT RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2015 and 2016 tax certiorari proceedings filed by Wal-Mart Stores, Inc. with the following terms;

- the 2015 and 2016 proceedings are being discontinued with a refund; and
- the 2017 assessed value of the subject property (Parcel NO. 153.-3-110) shall be reduced from \$19,450,000 to \$18,500,000 and shall be subject to the terms of Real Property Tax Law §727; the assessment shall remain unchanged, and no litigation will be commenced by Walmart for 2017, 2018 and 2019.

and it is further

RESOLVED, that the Town Board does hereby adopt this resolution to end the

litigation between Wal-Mart Stores, Inc. and the Town of Wilton as to the above referenced assessment.

The adoption of the resolution was seconded by Councilwoman Klepetar duly put to a vote, all in favor except Councilman McEachron and Councilman Lant who were opposed. The motion passed 3-2.

Other Business

Councilman McEachron said in November, a new truck was put in the budget for the mountain. The figure the highway superintendent gave the board was not accurate. There is a problem with the body of the new truck. The actual cost is \$250,000. \$180,000 was budgeted for. This is the same truck the town is getting \$100,000 grant from the Senate. **Highway Superintendent** said he filed for the grant and as far as he knows, we still have it. The town chose to hold off on buying the truck. Now the town is willing to spend the \$100,000 while waiting for the grant to come in. We were going to switch equipment from one truck onto the new truck. It can't happen now because the cylinders went through the body of a truck. We patched it but now the body is going on another truck. **Councilman McEachron** said the patched body will give another six years of life to the existing truck. It sounds like it's an additional \$70,000 but it's not. **Supervisor Johnson** said he didn't think we were going to purchase the truck until we received the grant. **Councilman McEachron** said the board approved it but for \$180,000 and we can't buy the truck for that. **Mr. Reale** said the grant is in the budget. **Councilman McEachron** said we could buy the cab and chassis. We were planning on using one of the bodies that we already own but now that body is needed for Truck #7. The body is still going to be used but it only makes sense, if we're going to buy a new truck, instead of buying a cab and chassis, buy a cab, chassis and body and have it plow ready. **Councilman Lant** asked how many bids were received. **Councilman McEachron** said it was purchased from a county contract.

Councilman McEachron said the new body will be made with Hard Ox steel. After doing some research, everyone is going to Core 10 steel or Hard Ox steel. There are three trucks on site with the pistons going through the body. We are not getting the longevity out of the bodies.

On a motion introduced by Councilman Lant, the board adopted the following resolution:

RESOLUTION #93

NOW, THEREFORE, BE IT RESOLVED, to approve the budget amendment for \$75,000 from DA5990 to DA5130.2 as shown on the 3/2/2017 Comptroller's Report for the body of the Corinth Mountain Road truck.

The adoption of the resolution was seconded by Deputy Supervisor Streicher duly put to a vote, all in favor. The motion passed 5-0.

On a motion introduced by **Councilman McEachron** and seconded by **Deputy Supervisor Streicher** all board members in favor, the meeting was adjourned at 8:27 p.m.

Respectfully Submitted,

Susan Baldwin, Town Clerk

Supervisor, Arthur Johnson

Deputy Supervisor, Steve Streicher

Councilman, John Lant

Councilman, John McEachron

Councilwoman Joanne Klepetar